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March 25, 2024

The Court will hold a Scheduling Conference to address the adjournment request on Friday, March 29, 2024 at 2:00PM in Courtroom 15C at the 500 Pearl Street Courthouse. The Motion Hearing previously scheduled for March 28, 2024 is cancelled.


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VIA ECF

Hon. Lewis Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

3/27/2024

SO ORDERED.


LEWIS J. LIMAN
United States District Judge

Re: United States v. Carlos Hidalgo Rosario, 22 Cr. 431 (LJL)

Dear Judge Liman:

We represent defendant Carlos Hidalgo Rosario in this action. I write to renew our request for an adjournment of the July 8, 2024 trial in this matter¹ and to provide more detail on why an adjournment is needed in light of a scheduling conflict that emerged after I was appointed to represent Mr. Hidalgo Rosario. By way of background:

- On or about November 6, 2023, I was retained as trial counsel for Yvette Wang, one of the defendants in *United States v. Kwok*, 23 Cr. 118, pending before Judge Torres, replacing prior counsel. At the time, trial in the *Kwok* matter was scheduled for April 8.
- In this case, Mr. Hidalgo Rosario was charged in a superseding indictment on December 11, 2023. ECF No. 75. At the time, charges had been pending against his co-defendants for approximately 16 months, since August 2022, and co-defendant Moises Disla Ramos was scheduled for trial on January 8, 2024, less than a month later.
- On December 14, 2023, Mr. Hidalgo Rosario made his initial appearance in this District, and I was appointed to represent him, as the CJA duty counsel that day. As the Court will recall, the government sought to adjourn Mr. Disla Ramos' January 8 trial date so he and Mr. Hidalgo Rosario could potentially be tried together. ECF No. 78. The government sought a trial date "whenever is the earliest Mr. Quigley can do it." 12/14/23 Tr. 15:19-20.
- I specifically noted my likely trial in the *Kwok* matter, explaining that "I have a six to seven-week securities fraud trial that's going to be begin before Judge Torres on April 8" and sought a "summer trial date" in this case as the earliest I could reasonably conduct a trial for Mr. Hidalgo Rosario. 12/14/23 Tr. 15:5-16. In response, the government sought a trial "on the earlier side of summer, so mid-June," to which I responded "that's going to be pretty tight" given the

¹ The Court previously denied our request for an adjournment on February 8, 2024. *See* ECF No. 115.

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likely “seven-week” trial in the *Kwok* matter. 12/14/23 Tr. 16:1-4. Ultimately, the Court set July 8 as Mr. Hidalgo Rosario’s trial date² and denied the motion to adjourn Mr. Disla Ramos’ trial,³ after which he pled guilty.⁴

- On January 3, 2024, the government unexpectedly obtained a superseding indictment in the *Kwok* matter, and all parties (including the government and Ms. Wang’s co-defendant) agreed a relatively short adjournment of the April 8 trial date was warranted in light of the superseder. *See* 23 Cr. 118 ECF Nos. 227, 228. Judge Torres subsequently adjourned the April 8 trial to May 20, 23 Cr. 118 ECF No. 230, prompting my initial, prior request for an adjournment of the July 8 trial date in this case.

In short, a number of the circumstances that prompted me to agree to a July 8 trial date at the initial appearance in this case—including trying to be reasonably accommodating to the government’s desire for a trial “whenever is the earliest Mr. Quigley can do it”—have changed. In addition, the (at least) seven-week trial in the *Kwok* matter poses a significant timing conflict, as the May 20 trial date would run directly through July 8.

The government consents to this request, as long as trial is scheduled for after “February 2025 (or slightly later).” I currently have a two-week trial scheduled to start February 10, 2025, in *United States v. Fofanah*, 24 Cr. 0085 (AT), another case I was assigned on CJA duty on December 14, but currently have no other criminal trial commitments during the first half of 2025.

We appreciate the Court’s consideration of the adjournment request and apologize for any inconvenience.

Respectfully submitted,

/s/ Brendan F. Quigley
Brendan F. Quigley

Cc: Counsel of record (via ECF).

² *See* Minute Entry, 12/14/23.

³ *See* Minute Entry, 12/19/23.

⁴ *See* Minute Entry, 1/2/24.